

Rule 1.13

**INVESTMENT OF FUNDS ON DEPOSIT  
IN THE REGISTRY ACCOUNT**

The following procedure shall govern deposits into the registry of the Court in all civil actions.

(a) ~~Application for Order to Invest~~ Receipt of Funds. ~~When funds are deposited in Registry of the Court pursuant to Rule 67, Federal Rules of Civil Procedure, with the exception of criminal cash bail, cost bonds, and civil garnishments, the party or parties will make application to the Court for an order to invest funds in accordance with the following provisions of this Rule.~~

(1) Unless the statute requires the deposit of funds without leave of Court, no money shall be sent to the Court or its officers for deposit into the Court's registry without a Court order signed by the presiding Judge in the case or proceeding.

(2) Unless provided for elsewhere in this Rule, all money ordered to be paid into the Court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. 2041 through depositories designated by the Treasury to accept such deposit on its behalf.

(3) The party making the deposit or transferring funds to the Court's registry shall serve the order permitting the deposit or transfer on the Clerk or the Chief Deputy Clerk, and upon the Financial Deputy.

(4) Upon making the deposit, a "Notice of Deposit" must be filed with the Court.

(b) ~~Content of Order.~~ ~~The order directing the Clerk to invest funds deposited in the Registry Account of the Court pursuant to 28 U.S.C. §2041 in an interest bearing account or~~

~~instrument will contain the name of the bank or financial institution where the funds are to be invested, the type of account or instrument, and the terms of the investment. Funds can only be deposited in financial institutions designated in Department of the Treasury Circular 176, and that have pledged sufficient securities to secure the total sum of deposits plus interest in excess of FDIC coverage (\$100,000.00 per account). The funds will be retained in the Registry Account until the financial institution has pledged the required securities and the Clerk provided with written verification.~~

~~(c) **Service of Order.** Counsel obtaining an order as described in paragraph (b) of this Rule shall cause a copy to be served personally upon the Clerk or the Chief Deputy and the Financial Deputy in the Phoenix or Tucson Divisions as appropriate.~~

~~(d)(b) **Deposit of Funds by the Clerk Investment of Registry Funds.** The Clerk shall take all reasonable steps to deposit funds into interest bearing accounts or instruments within, but not more than, fifteen (15) days after having been served with a copy of the order as provided in paragraph (c) of this Rule.~~

(1) All funds deposited into the registry of the Court will be placed in some form of interest bearing account. Unless otherwise ordered, the Court Registry Investment System (CRIS), administered through the United States District Court for the Southern District of Texas, shall be the only investment mechanism authorized.

(2) Under the CRIS, monies deposited in each case under (a)(1) will be "pooled" together with those on deposit with the Treasury to the credit of other courts in the Court Registry Investment System and used to purchase Treasury Securities which will be held at the Federal Reserve Bank of the Dallas/Houston Branch, in a Safekeeping account in the name and to the credit of

the Clerk, United States District Court for the Southern District of Texas, hereby designated custodian for the Court Registry Investment System.

(3) An account for each case will be established in the CRIS titled in the name of the case giving rise to the investment in the system. Income received from fund investments will be distributed to each case based on the ratio each account's principal and income total has to the aggregate principal and income total in the fund each week. Weekly reports showing the income earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel.

~~(e)(c) Deduction of Fee Registry Investment Fee. The Clerk shall deduct from the income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office.~~

(1) Pursuant to the miscellaneous fee schedule established by the Judicial conference of the United States and as set forth in 28 U.S.C. § 1914, the Clerk will assess and deduct registry fees according to the formula promulgated by the Director of the Administrative Office of the United States Courts.

(2) No additional fee shall be assessed with respect to investments for which a fee has already been deducted prior to the establishment of the CRIS in this district.

~~(f) **Verification of Investment.** Any party or parties obtaining an order directing investment of funds by the Clerk will, fifteen (15) days after service of the order as provided by paragraph (c) of this Rule, verify that the funds have been invested as ordered.~~

~~(g) **Service upon Clerk\Financial Deputy.** The party or~~

~~parties obtaining an order shall personally serve the Clerk or  
Chief Deputy and the Financial Deputy with a copy of the order.~~

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